

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Metropolitan Life Insurance Company,	)	C.A. No. 2:09-0109-PMD
	)	
PLAINTIFF,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Josephine Wallace, Dora Ann Henry,	)	
Hilton's Mortuary, Inc., and American	)	
Capital Funding, LLC,	)	
	)	
DEFENDANTS.	)	
_____	)	

The above-captioned case is before this court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Joseph Robert S. Carr whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In the Report, Magistrate Judge Carr recommends that defendant Josephine Wallace's motion for summary judgment be granted. Defendant Dora Ann Henry filed her timely objections on June 30, 2010.

In conducting this review, the court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendations as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

*Wallace v. Housing Auth. of the City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed, *de novo*, the Report and the objections

thereto. The Court accepts the Report. Accordingly, the magistrate judge's Report is incorporated into this Order.

For the reasons articulated by the magistrate judge, it is hereby **ORDERED** that Defendant Wallace's motion for summary judgment is **GRANTED** and the clerk of court is ordered to pay to defendant Josephine Wallace the funds deposited in the registry of the court along with any accrued interest as authorized by law.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
PATRICK MICHAEL DUFFY  
United States District Judge

July 21, 2010  
Charleston, South Carolina